

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR  
WASHINGTON, D.C.

In the Matter of )

U.S. DEPARTMENT OF LABOR )

v. )

SPOKANE CITY-COUNCIL EMPLOYMENT )  
AND TRAINING CONSORTIUM AND )  
CAREER PATH SERVICES )

Case No. 83-CPA-14

REMAND ORDER

On August 13, 1985, United States Department of Labor Administrative Law Judge (ALJ) Edward C. Burch issued a decision and order dismissing this proceeding. The ALJ's decision was based on the interpretation of Section 106(b) of the Comprehensive Employment and Training Act (CETA), 29 U.S.C. § 816(b) (Supp. V 1981), by the United States Court of Appeals for the Ninth Circuit in City of Edmonds v. United States Department of Labor, 749 F.2d 1419 (1984). That decision held that the failure of a Grant Officer to issue a final determination within 120 days from receipt of a complaint or a final audit report was a jurisdictional bar which prevented the Secretary from pursuing a case. The Department appealed the issue of that interpretation to the Supreme Court which, in a unanimous opinion, rejected the Ninth Circuit's interpretation and held that the Secretary does not lose the power to recover misused CETA funds after the expiration of the 120-day period specified in § 106(b). Brock v. Pierce County, 54 U.S.L.W. 4476

(U.S. May 19, 1986), reversing Pierce County v. United States,  
759 F.2d 1398 (9th Cir. 1985).

The ALJ's decision in this case was stayed by my Order of September 24, 1985, pending the decision in Pierce County. Upon consideration of the Court's decision in Pierce County, the stay order IS LIFTED, the August 13, 1985, decision and order of the ALJ IS VACATED, and this case IS REMANDED to ALJ **Burch** for proceedings on the merits.

SO ORDERED.

  
Secretary of Labor

Dated: **JUL** 1 1986  
Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: U.S. Department of Labor v. Spokane City-Council  
Employment and Training Consortium and Career  
Path Services

Case No. : 83-CPA-14

Document : Remand Order

A copy of the above-referenced document was sent to the following  
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